IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 704 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA
and
Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DHARMENDRASINH VIKRAMSINH JADEJA

Versus

STATE OF GUJARAT

Appearance:

Ms.Parul Patel for Shri Dharmendra N. Parikh for the petitioner.

Ms.Harsha Devani, ASSTT PUBLIC PROSECUTOR for Respondents nos.1 and 2.

MR MM TIRMIZI for Respondent No. 3

Concerned lady, i.e. wife of the present petitioner, namely, Parulben Jadeja is also present before the Court along with her lawyer, Ms.Ruksana Pathan.

CORAM : MR.JUSTICE M.R.CALLA
and
MR.JUSTICE R.R.TRIPATHI

Date of decision: 11/09/2000

ORAL JUDGEMENT : (Per M.R. Calla, J.)

This Special Criminal Application was filed by the petitioner, who is the husband of Parulben Jadeja, alleging that respondent no.3, Yusuf Bashirkan Pathan, has wrongfully confined his wife, i.e. Parulben Jadeja. On behalf of respondent no.3, a reply has been filed through Mr.Tirmizi, learned advocate and the allegations have been denied therein. Parulben Jadeja, who is aged about 25 years, is present before the Court. She is mother of a child aged about 4 to 5 years, named, Jayraj Jadeja. Parulben Jadeja stated before the Court that she is not wrongfully confined by respondent no.3. She has further stated that some case about maintenance is going on against her husband and she does not want to live with her husband. It is alleged by her that she has been treated with cruelty by her husband.

2. On behalf of the petitioner a grievance has been raised about the custody of son, Jayraj Jadeja. An affidavit in reply dated 2.9.2000 has also been filed by respondent no.2, Shri V.G. Patel, Police S
Juna Padra Road Police Station, Vadodara. Having gone through the pleadings and having heard the parties, who are present before us as also Parulben Jadeja, who is indisputably a major lady, no case is made out for issuance of writ of habeas corpus. Parulben Jadeja is free to her liberty. If the petitioner, husband has any grievance about the custody of the child, Jayraj Jadeja, he may take appropriate proceedings under appropriate law.

3. This Special Criminal Application is hereby rejected. Rule is discharged.

(M.R. Calla, J.)

11th September 2000 (Ravi R. Tripathi, J.)
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